THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9646 of 2006

20.07.2006

Between

Sri G.R.Harinath Gowd, S/o.Ramakrishnappa

… Petitioner

AND

The Sub Registrar, Hindupur, Ananthapur District
And another

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9646 of 2006

ORDER:

The petitioner is allegedly owner of land in survey Nos.463-1 and 463-2 allegedly admeasuring Acs.15.90 guntas situated at Srikantapuram village of Hindupur Mandal in Ananthapur District. He executed a sale deed dated 08.12.2004 in favour of his family members covering an extent of Acs.7.16. When the same was presented, according to the petitioner, the first respondent accepted for registration, but did not release the document. Therefore, the petitioner invoked the jurisdiction of this Court under Article 226 of Constitution of India seeking a direction to the first respondent to release the sale deed.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General) has produced relevant file from the Office of the first respondent. He submits that the document presented by the petitioner, has been referred to the second respondent under Section 47(1) of Indian Stamp Act, 1889 (the Act, for brevity), for adjudication of the stamp value. He however does not dispute that notice under Section 47-A of the Act did not issue.

As the document presented by the petitioner before the first respondent for registration, has been submitted to the second respondent for adjudication of the stamp value, a direction to the first respondent cannot be issued to release the document. The second respondent may now issue notice to the petitioner and pass appropriate orders under Section 47-A (3) of the Act, fixing the correct market value. If the petitioner is aggrieved by such order, he may prefer appeal before the jurisdictional Court of Senior Civil Judge under Section 47-A (4) of the Act. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

July 20, 2006.

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